

Senate Bill 83  
March 7, 2013  
Presented by Quentin Kujala  
House Fish, Wildlife and Parks Committee

Mr. Chairman and committee members, I am Quentin Kujala, wildlife bureau coordinator for the Department of Fish, Wildlife and Parks (FWP). I am here today on behalf of the Director in opposition to Senate Bill 83.

FWP opposes this bill because it jeopardizes new transplants of big horn sheep in Montana.

SB 83 adds requirements to bighorn sheep transplants beyond Montana's Big Horn Sheep Conservation Strategy. You have heard criticism that FWP did not follow that plan during the proposed Lewis and Clark Caverns transplant review. In that instance, a landowner was inadvertently not directly contacted. Upon recognizing that real shortcoming, FWP staff met with the landowner but could not reconcile differences. In response, FWP honored due process and recommended the transplant not move forward. The FWP Commission endorsed that recommendation and the transplant did not happen. To ensure this unintentional circumstance was not repeated, a subsequent transplant review for the Bridger Mountains included direct mailings to landowners. The Bridger Mountains process has since been complimented but at present has not resulted in an approved transplant despite the conservation strategy calling for five new populations in ten years. In other words, our process works.

While the Senate strongly endorsed a positive floor amendment and the resulting much improved bill, some elements remain that unduly threaten future big horn sheep transplants. These include veto power for any impact on public lands and a requirement to notice lessees in addition to landowners via certified mail. Since even the presence of lessees can be extremely difficult to ascertain, this requirement alone likely ensures procedural failure. The certified mail requirement poses some additional problems beyond added cost. For example, has a landowner that has refused to sign been notified or not? Perhaps a standard mailing would be more widely received.

Other problems of clarity or content include:

- confusing language relative to assessing grazing allotment impacts, mitigation and interactions with counties and other agencies;
- an absolute restriction on projects with less than 51% public land;
- no distinction between small hobby flocks and large commercial flocks of domestic sheep;
- an inconsistent approach to game damage;
- no confirmation of how and when landowners are identified and;

- requiring the transplantation area to be defined larger than necessary.

Given these concerns, SB 83 still essentially prohibits most, if not all bighorn sheep transplants, and appears overreach a solution to the warranted criticism of due notice. In light of adjustments already made as evidenced by the complimented Bridgers review, no new transplants in 10 years, and a clear demand by Montanans to transplant bighorn sheep in state rather than out of state, FWP respectfully requests a DO NOT PASS for SB 83.